IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(Crl.).No. 106 of 2007(S)

PETITIONER:

P.K.SAINABA, AGED 55 YEARS,
W/O. SAIDALAVI.T.P., THAZHATHEPALLIYALI
VALIYAPEEDIYEKKAL HOUSE, KARIPOOR,
KUMMINIPARAMBU, MALAPPURAM DISTRICT.

BY ADV. SRI. BABU S. NAIR
SRI.JIJO PAUL
SMT.DEEPTHI S. MENON
SRI.ABRAHAM SAMSON
SMT. M.T. SHEEBA
SRI. P.A. RAJESH

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT, TRIVANDRUM.**

2. **THE DIRECTOR GENERAL OF POLICE, TRIVANDRUM.**

3. **THE CITY POLICE COMMISSIONER, KOZHIKODE.**

4. **THE SUB INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION, KOZHIKODE.**

BY ADDL. DGP. SRI. V.K. MOHANAN.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

W.P. (Crl) NO. 106 OF 2007

Dated this the 25th day of May, 2007.

J U D G M E N T

Kurian Joseph, J.

This writ petition is filed with the following prayers.

> "i) Issue a writ in the nature of Habeas Corpus, directing the respondents to produce the detenue - Sri. Saidalikutty T.P. before this Hon'ble Court and direct him to be set at liberty forthwith;
>
> ii) Issue a writ of mandamus or any other appropriate writs, orders of directions commanding the respondents 1 to 3 to conduct and enquiry into the illegal arrest and detention of the detenue forthwith".

On 08.05.2007, this Court issued a direction to file an affidavit as to the circumstances under which Saidalikutty was arrested on 03.05.2007. The Sub Inspector of Police, Medical College Police Station, Kozhikode has accordingly filed an affidavit dated 15.05.2007 giving the details of the circumstances leading to the arrest and detention of Saidalikutty. Since Saidalikutty is under judicial custody pursuant to the directions issued by the Judicial First Class Magistrate Court, Kunnamangalam in Crime No. 38/2007 of Mavoor Police

Station, we do not propose to deal with the vehement contentions raised by the learned counsel for the petitioner.

2. The various other reliefs which are sought now are not subject matter of this litigation. Therefore, in view of the affidavit referred to above, this writ petition is dismissed without prejudice to the liberty to the petitioner or Saidalikutty to pursue their grievances, if any surviving, in appropriate proceedings.

This writ petition is dismissed.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp